

NOT FOR CITATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRANKLIN TAYLOR,

No. C 04-3800 PJH (PR)

Plaintiff,

ORDER OF TRANSFER

v.

GEORGE STRATTON, Warden,

Defendants.

This is a habeas case filed pro se by a state prisoner. Petitioner seeks to challenge a conviction obtained in the Superior Court of Solano County. Solano County is in the venue of the United States District Court for the Eastern District of California. Petitioner is incarcerated at California State Prison-Sacramento, which also is in the Eastern District.

Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d), however, petitions challenging a conviction are preferably heard in the district of conviction. Habeas L.R. 2254-3(a); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968); cf. *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989) (district of confinement best forum to review execution of sentence). In this case they are the same in any event.

Because petitioner was convicted in Solano County, this case is TRANSFERRED to the United States District Court for the District of California. See 28 U.S.C. § 1406(a); Habeas L.R. 2254-3(b).

IT IS SO ORDERED.

Dated: March 28, 2006.



PHYLLIS J. HAMILTON
United States District Judge